

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO DUGAR,
Plaintiff,
v.
DONALD H. TOOMER,
Defendant.

Case No. [13-cv-04226-WHO](#)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

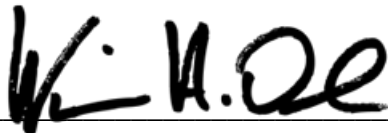
Re: Dkt. No. 20

In the Order to Show Cause Re: Dismissal entered on February 4, 2014, the Court required plaintiff to show cause why this case should not be dismissed for failure to serve the complaint in compliance with Federal Rule of Civil Procedure 4(m) and set a hearing for today at 2 p.m. Dkt. 20. This followed plaintiff's failure to appear at a Case Management Conference on February 4, 2014, or to file a Case Management Conference Statement. The Case Management Conference had been set in an Order on Ex-Parte Motion: Plaintiff Declaration to the Court in which plaintiff was reminded to serve the complaint within 120 days of the complaint's filing. Dkt. 18. The complaint was filed on September 12, 2013. No service has occurred as of this date. Plaintiff failed to appear at today's hearing or to provide any reason why the case should not be dismissed.

For all the reasons mentioned above, this case is DISMISSED without prejudice for failure to prosecute. The Clerk may close the file in this matter.

IT IS SO ORDERED.

Dated: February 18, 2014


WILLIAM H. ORRICK
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO DUGAR,
Plaintiff,

Case Number: CV13-04226 WHO

CERTIFICATE OF SERVICE

v.


DONALD H. TOOMER et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 18, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Ernesto Dugar
3408 66th Avenue, #D
Oakland, CA 94605

Dated: February 18, 2014


Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk